

ARTICLE XVIII

Word Usage

1. General word usage.
 - A. Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary. Terms of law shall have the meanings as set forth in the latest edition of Black's Law Dictionary.
 - B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the singular number include the plural; words used in the plural number include the singular; the word "herein" means in this local law; the word "requirements" means local law; and the words "this local law" shall mean this local law and the maps included herein as enacted or subsequently amended.
 - C. The word "person" as used in this local law, shall be defined to include, but not be limited to, an individual, a partnership, a joint venture, a corporation, an unincorporated association, a firm or any other form of entity, contractors, subcontractors

or journeymen; "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

D. The "Village" is the Village of Chestnut Ridge in the County of Rockland, State of New York; the "Village Board," "Board of Appeals," "Planning Board" and "Building Inspector" are respectively the Village Board, Board of Appeals, Planning Board and Building Inspector of the Village. The "Town" is the Town of Ramapo in the County of Rockland, State of New York.

E. "Article," as a term of reference in this local law, refers to this local law.

F. "Shall" is always mandatory, except when applied to public officials, in which event "shall" is directory.

"Time requirements" shall, nevertheless, be considered mandatory.

2. Definitions.

As used in the local law, the following terms shall have the meanings indicated:

ACCESSORY - The term applied to a building, structure or use which is clearly incidental or subordinate to, and customarily in connection with, the principal building, structure or use and which is located on the same lot with the principal building, structure or use. Any "accessory" building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in applying the bulk requirements to such building or structure. No use shall be considered "accessory" where such use requires a greater area of a lot or larger setbacks or yards or for which greater restrictions than for the principal use on the lot area imposed by this local law.

ADJOINING - Physically touching or bordering upon or sharing a common property line or major portion thereof.

ANIMAL HOSPITAL or VETERINARY CLINIC - A facility for the care and treatment of animals by licensed veterinarians. This does not include animal kennels, shelters and like facilities.

ANTENNA - a device used to transmit and/or receive radio or electromagnetic waves, including but not limited to

directional antennae, such as panels and microwave dishes, optical devices, and omni-directional antennae, such as whip antennae. (Amended November 20, 1997, Local Law No. 8 of 1997)

AREA, GROSS - The measure of and in a horizontal plane, uncorrected or adjusted for legal encumbrances, surface conditions or slope.

ASSISTED LIVING RESIDENCE - Those residences as defined in Chapter X Assisted Living Residences of the NYS Public Health Law Part 1001 and shall not include any services specifically excluded in the NYS Public Health Law. An Assisted Living Residence consists of a building for residents needing assistance on a daily basis, consisting of housekeeping and linen services, transportation for shopping and other needs, prepared meals which are served in quarters or with other residents in a dining area, planned on-site leisure and recreational activities and other therapies as needed. There is limited access to licensed professionals for consultation and evaluation, and other professional services are provided by independent licensed individuals not on staff. ALR allows for Enhanced Assisted Living Residences and

Special Needs Assisted Living Residences. ALR does not include the treatment of alcohol, drug or other dependencies.

ASSISTED LIVING UNIT - Private or semiprivate rooms, may be in the form of a studio or may consist of one or two bedrooms, with a separate living area along with a bathroom consisting of a bath and or shower and (1) one toilet.

AUTOMOTIVE REPAIR AND MAINTENANCE FACILITIES - The conduct within a fully enclosed building of repairs to the drive train and chassis of vehicles.

BASEMENT - That portion of a building which is partly underground, but which has at least fifty percent (50%) of its interior height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BEDROOM - Any habitable space in excess of seventy-five (75) square feet, other than a living room, dining room, bathroom, hallway or kitchen.

BILLBOARD - A sign which directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing elsewhere than on the same lot where such sign is displayed or not for the principal use of such lot.

BOARDER (or ROOMER) - An unrelated person (not a family member), occupying not more than a single room in a dwelling, without individual cooking or sanitary facilities.

BUFFER - An area of specified dimension extending between a rear or side property line or a zoning district line and a required yard. The "buffer" shall not be used or otherwise encroached upon by any activities on the lot so as to provide for adequate separation and protection from otherwise inharmonious or incompatible uses.

BUILDING - Any structure, or extension thereof or addition thereto, having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

BUILDING INSPECTOR - The official charged by the Village with enforcement of the New York State Fire Prevention and Building Code.

BUILDING, ACCESSORY - See "accessory."

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BULK, NONCOMPLYING - That part of a building, structure or nonbuilding use which does not conform to one (1) or more of the applicable bulk requirements of this local law.

CAMP - Any plot, including its area of land or water, or land and water, on which are located two (2) or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes, primarily for children, but not including a day camp, trailer camp, rooming house, tourist home, hotel, motel, summer colony, hospital, place of detention, school of general instruction or nursery school.

CELLAR - That portion of a building which is partly (or wholly) underground, but which has less than fifty percent (50%) of its interior height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

CERTIFICATE OF OCCUPANCY - Official certification that a building or structure conforms to this local law and the New York Fire Prevention and State Building Code and may be occupied.

CERTIFICATE OF USE - Official certification that a building or structure or part thereof, or an open, non-building use, conforms to the use requirements and other pertinent provisions of this local law and may be used in conformity with law.

CHANGE IN USE - Any use which differs substantially from the previous use of a building, structure or nonbuilding use.

CLUBHOUSE or LODGE - A building, structure, lot or land area used as a private club or social organization with annual membership dues, and not conducted for profit or gain.

CODE ENFORCEMENT OFFICER - The individual charged by the Village with the enforcement of housing and property maintenance laws and regulations.

COMMUNITY PLACE OF WORSHIP -The use of a building or structure designed for regular organized religious assembly in structures with a floor area of more than 10,000 square feet

COMMUNITY RESIDENCE FACILITY - Pursuant to 41.34 of the Mental Hygiene Law, a supportive living facility with four (4) to fourteen (14) residents, or a supervised living facility subject to licensure by the Office of Mental Health or the office of Mental Retardation and Developmental Disabilities which provide a residence for up to fourteen (14) mentally disabled persons, including residential treatment facilities for children and youth.

COMPLETELY ENCLOSED BUILDING - A building separated on all sides from adjacent open space or from other buildings by fixed exterior walls or party walls, pierced only by windows and entrance or exit doors and covered by a permanent roof.

CONTRACTORS' STORAGE YARDS - A building or area of land where a person, firm or corporation engaged in the construction business, or a related field, stores building materials, equipment and supplies used exclusively in his business as a contractor.

COURT - An unobstructed open area bounded on three (3) or more sides by the walls of a building or buildings. It does not include any such area with no windows opening upon it, except windows on a stairway. An "outer court" extends to a street or yard; an "inner court" does not.

COVERAGE, BUILDING - The percentage of the area of the lot covered by a building or buildings.

COVERAGE, DEVELOPMENT - The percentage of the area of a lot covered by buildings, parking areas, accessory structures and any impervious materials, including natural impervious areas.

CRAWL SPACE - A space between the ceiling of one (1) story and floor of the next story, or between the ground and the first floor, which usually contains pipes, ducts, wiring and

lighting fixtures and permits access but is not greater in height than three (3) feet, six (6) inches.

DAY CAMP - Any plot of land, including any buildings or structures thereon, if any, used for any assembly of recreational purposes on a seasonal basis, but not including any nursery school unless the bulk requirements for a "day camp" are met by said nursery school, nor including any living quarters except for one (1) one family residence on the plot.

DESIGNATED STREET LINE - See "street line, designated."

DESIGN HOUR - The measure of volume or capacity of a street or parking area during a sixty minute period in order of rank for a calendar year. For the purpose of this local law, the 30th hour volume or capacity shall be deemed the "design hour."

DEVELOPMENT PLAN - The Comprehensive Master Plan as may be adopted by the Planning Board or the Village Board for the development of the Village, pursuant to Section 7-722 of the Village Law, showing the desirable streets, bridges and tunnels and the approaches thereto, viaducts, parks, public

reservations, roadways in parks, sites for public buildings and structures, waterways and drainage systems and such other features, existing and proposed, as will provide for the improvement of the Village and its future growth, protection and development and will afford adequate facilities for the housing, transportation, distribution, comfort convenience, public health, safety and general welfare of the population of the Village.

DOG AND CAT BOARDING FACILITIES - Facilities for the keeping of dogs and cats for a fee paid by the owner of such dog or cat. This use does not include animal hospitals, shelters, veterinary clinics or similar facilities. (Amended January 16, 1997)

DORMITORY - A building or part of a building containing private or semiprivate rooms which open to a common hallway, which rooms are sleeping quarters for administrative staff, faculty or students, along with bathroom, dining, cooking, laundry, lounge and recreation facilities, as required. "Dormitory" rooms shall not contain separate cooking, dining or housekeeping facilities, except that one (1) dwelling unit with complete housekeeping facilities may be provided for use of a superintendent or supervising staff for every

fifty (50) "dormitory" rooms, or major part thereof. No more than one (1) communal dining room shall be provided in any building or structure used for "dormitory" purposes. Single-family, two-family and/or other multiple residential facilities, other than that described above, are not to be considered as "dormitories." Private rooms may be occupied by no more than one (1) person, and semiprivate rooms may be occupied by no more than two (2) persons.

DUMP - See "junkyard."

DUSTLESS SURFACE - A surface which is adequately covered with screenings, stone, gravel, concrete or bituminous products, or adequately treated with oil, calcium chloride or similar dust inhibiting substances, and maintained in good condition at all times.

DWELLING UNIT - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one (1) family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit." A house trailer, boarding or rooming

house, convalescent home, dormitory, fraternity house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

ESTABLISHED SETBACK - The average setback on each street on which a lot fronts established by three (3) or more buildings within the same zoning district, within three hundred (300) feet on each side of such lot along the same side of the street, but not beyond any intersection.

EXCAVATION OPERATIONS - Any activity where stone, sand, gravel, minerals or other natural material, except topsoil, is removed for the purpose of sale or any other commercial purpose other than such as may be incidental to excavating or regrading in connection with, or in anticipation of, building development or landscaping on the site.

FAMILY - A group of persons living together as a single, nonprofit housekeeping unit and consisting of either:

- A. One (1) or more persons related by blood, marriage or adoption.

B. A dwelling unit with not more than two (2) persons per bedroom not necessarily related by blood, marriage or adoption.

FAMILY AND GROUP CARE FACILITY (Non-Padavan) - A residential facility in which groups of unrelated persons live, along with one (1) or more adults who serve in a supervisory role. Such a facility shall not be construed to mean a "community residence facility" as defined in 41.34 of the Mental Hygiene Law.

FAST FOOD RESTAURANT - Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, usually served at or from counters in paper, plastic or other disposable containers for consumption either within the restaurant elsewhere on the premises or for carryout or served from a drive-in window for consumption off premises. Fast food restaurants do not include pizzeria restaurants, delicatessens, bagel or donut shops, bakeries, coffee shops, Chinese or Asian food restaurants and buffets or other restaurants which may have a take-out component.

FENCE - An unroofed barrier or unroofed enclosing structure, including retaining walls.

FIELD CHANGE - A change or adjustment to an approved site development plan, due to an undiscovered physical site condition, that will not substantially alter the intent, layout or design of the approved plan. A field change may be approved by the Building Inspector or Village Engineer after receiving the approval of a majority of the members of the agency (Planning Board, Board of Appeals or Village Board) obtained after site visits or telephone consultation with such members.

FLOOR AREA RATIO - The gross floor area of all buildings on a lot divided by the area of the lot.

FOOD SALES AND SERVICE ESTABLISHMENTS - Any establishment where prepared food is sold primarily for consumption off the premises. (Amended November 2, 1993)

FRONTAGE - The horizontal distance measured along the full length of a street line abutting the lot.

GASOLINE SERVICE STATION - A building or other structure or

a tract of land used for the retail servicing of motor vehicles, including the sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; and the performance of routine automotive maintenance and repairs. Sale of other retail products from the premises shall not be deemed to affect the use of the facility as a "gasoline service station."

GATHERING PLACE, RESIDENTIAL - See Residential Gathering Place

GROSS FLOOR AREA:

A. The sum of the gross horizontal area of every floor of a building, measured from the exterior faces of exterior walls or from the center line of party walls separating the two (2) buildings, including:

- (1) Basement space.
- (2) Attic space, whether or not a floor has been laid, over which there is structural headroom of six (6) feet three (3) inches or more.
- (3) Roofed porches, breezeways and garages.

(4) Cellar space with more than six (6) feet three (3) inches in height.

B. Regardless of the internal arrangement of a building, it shall be deemed to have at least one (1) floor for each twenty (20) feet of height or a major fraction thereof. However, a "floor area" does not include:

(1) Terraces, unroofed open porches and steps.

(2) Interior loading berths.

(3) Crawl space.

HEIGHT - The vertical distance from the average elevation of the proposed finished grade along all walls of a building (or adjacent to all sides of a nonbuilding use) to the highest point of the roof for flat roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs of such building (or nonbuilding uses), except as specifically exempted in Article VI, Section 1.

HOME OCCUPATION - An accessory use of a personal service

character customarily conducted entirely within a residence, by the residents thereof, which use is incidental and secondary to the use of the residence for dwelling purposes, does not change the character thereof, does not have any exterior evidence of such accessory use other than a permitted announcement sign, does not involve, except as otherwise permitted in residence districts, the parking, storage or standing of any commercial vehicles or construction equipment or the outdoor storage of materials and which does not involve the keeping of a stock-in-trade or the sale of any goods or the use of any chemical, mechanical or electrical equipment which is not customary household appliance or light office equipment. Said activity shall not occupy more than one-half ($\frac{1}{2}$) of the ground floor area of the residence or its equivalent elsewhere in the residence if so used. No person other than the residents engaged in such activity may be employed by them in connection with said activity. The conducting of a clinic, hospital, kennel, barbershop, beauty parlor, pet grooming or boarding, photographer's salon, tearoom, tourist home, animal hospital, church or place of worship, convalescent home, funeral home, stores of any kind or any similar use shall not be a "home occupation." (Amended December 16,2010)

HOME PROFESSIONAL OFFICE - An accessory office or area

within a residence devoted to a professional service occupation, by the residents thereof, in which knowledge in some department of science or learning is applied to the affairs of others, either advising or guiding them, or otherwise serving their interest or welfare through the practice of a profession founded on such knowledge. Said office activity shall be incidental and secondary to the use of the residence for dwelling purpose, shall not change the character thereof and shall not have any evidence of such accessory use other than a permitted announcement sign. Said activity shall not occupy more than one-half ($\frac{1}{2}$) of the ground floor area of the residence or its equivalent elsewhere in the residence if so used. In said activity, no more than two (2) persons, including members of the family residing on the premises, shall be employed. Permissible "home professional office" uses include, but are not limited to, the following: clergymen, lawyers, physicians, dentists, architects, engineers or accountants. Veterinarians or churches or places of worship are not recognized as home professional offices. (Adopted December 16, 2010)

HOTEL or MOTEL - A building or series of connected buildings with transient living and sleeping accommodations for rent for ten (10) or more persons and which is open for

year-round occupancy.

INDUSTRIAL SERVICE ROAD - See "road, industrial service."

JUNKYARD - An area of land, with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials, such as waste paper, rags or scrap material or used building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage or sale of other use or disposition of the same. A deposit or the storage on a plot of two (2) or more unregistered, wrecked or broken-down vehicles or parts of two (2) or more such vehicles for one (1) week or more in an R District, or for three (3) weeks or more in any other district, shall be deemed to be a "junkyard."

LABORATORY AND RESEARCH FACILITIES - A building for experimentation in pure or applied research, design, development and production of prototype machines or of new products and uses accessory thereto, wherein products are not manufactured for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and wherein there is no display of any material or

products.

LANDSCAPE CONTRACTOR - A Home Improvement Contractor, licensed by the Rockland County Office of Consumer Protection, that provides labor, material and equipment for the construction, installation and/or maintenance of lawns, plants, shrubs, trees and architectural exterior features not part of a building. Installation and/or maintenance of exterior water features and underground lawn sprinklers, cutting and removal of trees and stumps, maintenance of interior plants, and snow plowing and removal shall be considered to be Landscape Contracting. Storage and application of chemicals, such as herbicides and pesticides, shall be included as Landscape Contracting only if the principal owner of the business is licensed by the Rockland County Department of Health to store and apply such chemicals.

LOCAL CONVENIENCE COMMERCIAL - Establishments that deal in the retail sales of convenience goods (food, drugs and sundries) and such personal services as laundry and dry cleaning (pickup and delivery), hair styling and shoe repair. The maximum permitted aggregate gross floor area on any site shall not exceed one hundred thousand (100,000)

square feet. The floor area of any single store shall not exceed eight thousand (8,000) square feet, except that food stores or combined sales stores may not exceed forty-five thousand (45,000) square feet. Other commercial uses of any kind elsewhere specified in this local law shall not be deemed "local convenience commercial."

LOCAL OFFICE-BUSINESS - Establishments that include art studios, banks, offices of salesmen, attorneys, dentists, sales representatives, architects, brokers, physicians, engineers, insurance agents, real estate agents, land surveyors, musicians, antique shops, barbershops, funeral chapels or other activity found by the Planning Board to be related to the services of the neighborhood residents or of a character consistent in scale, intensity of activities and traffic generation (including traffic from outside the immediate neighborhood) with local convenience commercial activities. Other uses of any kind elsewhere specified in this local law shall not be deemed "local office-business."

LOT - A designated parcel, tract or area of land established by plot, subdivision or as otherwise permitted by this local law to be used, developed or built upon as a unit.

LOT AREA - The total horizontal area included within the

property lines of a lot, except that for any minimum lot area specified in this local law, the area shall be adjusted as set forth in Article IV, Section 3.A.

LOT, CORNER - A lot at the junction of, or abutting on, two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). A lot abutting a curved street shall be deemed a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five degrees (135°).

LOT LINE - Any boundary of a lot other than a street line.

LOT LINE, FRONT - The lot line which abuts or runs along the designated street line. In the case of a lot situated to the rear of another lot, its "front lot line" shall be the rear lot line of the front lot for purposes of measuring the front setback.

LOT LINE, REAR - The lot line generally opposite the street line. If the "rear lot line" is less than ten (10) feet in length or if the lot comes to a point in the rear, the "rear

lot line" shall be deemed to be a line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line.

LOT WIDTH - The distance measured along a line drawn parallel to the front lot line at a distance equal to the minimum front setback requirement.

MINI-STORAGE - An individually controlled storage space, less than 2,500 square feet per unit, with separate entry, lacking provision for heating and plumbing.

MULTI-FAMILY DISTRICT - Any residential zoning district other than a single family residential zoning district.

NEIGHBORHOOD PLACE OF WORSHIP - The use of a building or structure for regular organized religious assembly in a structure or structures with a total floor area up to 10,000 square feet and other than a Residential Gathering Place. The use may take place in a structure with or without a residential component.

NEIGHBORHOOD RESTAURANT - An eating establishment, other than a drive-in restaurant, providing regular table service

within a fully enclosed building. A "neighborhood restaurant" shall not have any live entertainment.

NONCOMPLYING BUILDING - A structure lawfully existing at the effective date of this local law or any amendment thereto affecting such structure, which does not comply with the bulk requirements of this local law for the district in which it is situated, irrespective of the use to which such structure is put.

NONCONFORMING USE - Any use of a building or structure, lot or land, or part thereof, lawfully existing at the effective date of this local law or any amendments thereto affecting such use, which does not conform to the use requirements of this local law for the district in which it is located.

NURSERY SCHOOL - Any private school accredited by the Education Department of the State of New York, designated to provide day-time care or instruction for two (2) or more children from two (2) to six (6) years of age, inclusive, operated at least five (5) days per week and seven (7) months per year. No "nursery school" shall be operated during the months of July and August unless it meets with the requirements of a day camp as specified in this local law, except for any school operated with a number of

children no greater than the average attendance throughout the regular school year and without use of an outdoor swimming facility or pool.

OFFICE, PROFESSIONAL AND BUSINESS - Establishments that include offices of salesmen, sales representatives, architects, engineers, physicians, dentists, attorneys, insurance brokers, real estate brokers and persons with similar occupations. Other uses of any kind elsewhere specified in this local law shall not be deemed "office, professional and business."

OFFICIAL MAP - The Official Map adopted and established by the Village Board showing the streets, highways, parks and drainage systems laid out on such map, including any references to more detailed maps and studies. The "Official Map" is final and conclusive with respect to the location and width of streets, highways, drainage systems and parks shown thereon; and the "Official Map" is established to conserve and protect the public health, safety and general welfare.

OWNERSHIP, SAME - Includes all vested or contingent interests of any person or his agent, representative,

successor or assignee and irrespective of whether or not such interest is recorded, in the following circumstances:

- A. Direct ownership by such person or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin, agent, corporation, firm, entity, partnership or unincorporated association.

- B. Ownership of property by different corporations, firms, partnerships, entities or unincorporated association, in which such a person is a stockholder, a partner or associate, or his or her spouse, child, parent sibling or spouse of sibling, heir or next of kin or owns an interest of ten percent (10%) or greater in each corporation, firm partnership, entity or unincorporated association.

- C. When such person or his estate, successors or assigns, or any person or entity included in Subsections A and B herein, may be materially or substantively affected by the relief sought or by any determination in any proceeding sought before any board, body, commission or agency of the Village of Chestnut Ridge, whether or not

such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.

PARKING AREA - A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money and/or other consideration.

PET SHOPS - A retail establishment whose principal business is the sale of pet foods and supplies, but may also sell small household pets.

PARKING LOT - Lot or part thereof used for the storage of motor vehicles, which contains space rented to the general public by the hour, day, week, month or year.

PET SHOPS - A retail establishment whose principal business is the sale of pet foods and supplies, but may also sell small household pets.

PERSONAL WIRELESS SERVICES - services provided by a public utility and defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. 332, including commercial mobile services, unlicensed wireless services and common carrier

wireless exchange access services. (Amended November 20, 1997, Local Law No. 8 of 1997)

PLACE OF WORSHIP - A building, structure intended primarily for the conduct of organized or regularly scheduled religious services. (amended August 18, 2011)

PLACE OF WORSHIP, COMMUNITY - See COMMUNITY PLACE OF WORSHIP

PLACE OF WORSHIP, NEIGHBORHOOD - See NEIGHBORHOOD PLACE OF WORSHIP

PLANNED BUILDING DEVELOPMENT - An area developed according to plan as a single entity and containing one (1) or more structures to accommodate nonresidential uses and appurtenant parking areas and other uses incidental to the predominant uses.

PRINCIPAL USE - The primary or predominant use for which a lot or building is used.

PUBLIC UTILITY - one or more persons or corporations operating an agency or agencies for public service and who or which is or are subject to the jurisdiction, supervision

and regulations of the New York State Public Service Law. Services defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. 332 are also included. (Amended November 20, 1997, Local Law No. 8 of 1997)

PUBLIC UTILITY BUILDING OR STRUCTURE - a building and/or structure, including antennae, equipment, base stations, towers, and other accessory facilities owned and/or operated by a public utility and used for the provision of public utility services to persons and/or properties within the Village of Chestnut Ridge. (Amended November 20, 1997, Local Law No. 8 of 1997)

R OR RESIDENCE DISTRICT - An RR-50, R-40, R-35, R-25, R-15 or RSH District in the Village of Chestnut Ridge, or a corresponding district in an adjoining municipality.

RECTORY - a residence to be used exclusively by the priest, minister, rabbi or similar spiritual leader conducting services in a place of worship and his/her immediate family. (amended August 18, 2011)

RESIDENCE - A building or part thereof designated, used or

occupied for one (1) or more dwelling units, but not including tourist home, hotel, motel, tourist cabin, summer colony or trailer.

RESIDENCE, MULTIFAMILY - A building which is designed, used or occupied for residential purposes for more than two (2) dwelling units.

RESIDENCE, ONE-FAMILY - A building designed, used or for residential purposes for one (1) dwelling unit only.

RESIDENCE, ONE-FAMILY DETACHED - A one-family residence which is separated from other buildings by open space.

RESIDENCE, ONE-FAMILY SEMIATTACHED - A building or structure which comprises one (1) dwelling unit for one (1) family and which is attached or connected to another dwelling unit for one (1) family at their common property line by means of a party wall, the length of which represents at least fifty percent (50%) of the total sidewall length of which the party wall is a part, and which is separated from any other building or structure by open space on the side lot line opposite the party wall and by open space on the front and rear lot lines. Each dwelling unit must be on its own lot.

RESIDENCE, TWO FAMILY DETACHED - A building which is designed, used or occupied for residential purposes for two (2) dwelling units.

RESIDENTIAL GATHERING PLACE - The use of a dedicated portion of a one-family detached residence for large gatherings, meeting all of the following criteria:

1. Gatherings occur more than 12 times per year; and
2. Gatherings are comprised of 15 or more persons; and
3. Gatherings shall not exceed 49 persons, or the maximum allowable according to section 17.B of Article XII, or the maximum allowable number under the New York State Uniform Fire Prevention and Building Code, whichever is less.

Any use that exceeds any of the above criteria at any time shall not be considered a Residential Gathering Place. The Building Inspector shall determine the appropriate use category, based upon the requirements of this Chapter.

RESTAURANT - A building or portion thereof containing an establishment whose principal business is the sale of foods and beverages, whether or not alcoholic, to the public for consumption on premises in a ready to consume state and

whose design or principal method of operation includes one or both of the following characteristics: (1) Customers, normally provided with individual menu, are served by a restaurant employee at the same table or counter where said items are to be consumed; (2) A cafeteria or buffet-type operation where foods, frozen desserts or beverages are primarily consumed within the restaurant building. Restaurants shall not include Fast Food establishments.

RESTAURANT, NEIGHBORHOOD - See "neighborhood restaurant."

ROAD, COLLECTOR - Any street which serves to carry traffic from local residential streets to secondary streets.

ROAD, INDUSTRIAL SERVICE - A public street or right-of-way providing access to a planned office and/or industrial building development of at least ten (10) acres in a PI, LO or LO-R District, subject to the requirements of §52F.

ROAD, LOCAL - Any street which serves primarily as an access to abutting residential properties.

ROAD, MAJOR - Any street which is used primarily as a route for traffic between communities or large areas.

ROAD, SECONDARY - Any street which serves to carry traffic from collector streets to a system of major streets.

SANITARY LANDFILL - A site for the disposal of solid waste.

SCHOOL OF GENERAL INSTRUCTION - Any public or private elementary or junior high school, high school, college, university or postgraduate school offering courses in general instruction at least five (5) days per week and seven (7) months per year.

SCHOOL OF RELIGIOUS INSTRUCTION - Any public or private elementary junior high school, high school or college offering courses in religious instruction at least five (5) days per week and seven (7) months per year.

SCHOOL OF SPECIAL INSTRUCTION - Any nonpublic school conducting a regularly scheduled curriculum of specialized or vocational study.

SCREEN or SCREENING:

- A. A strip at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or

trees at least four (4) feet high, at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high within three (3) years;

- B. An opaque wall or barrier or uniformly painted fence at least six (6) feet high; or
- C. Any other islands, barriers, emplacements, walls, fences, trees, plantings, shrubbery or other artificial or natural dividing strip or marker of any kind, wherever located on the site, conditioned or required in any building permit, certificate of occupancy, site development plan, subdivision approval, special permit, variance, zone change or other requirement of any board, agency, commission or official of the Village of Chestnut Ridge pursuant to this local law.

SENIOR CITIZEN HOUSING DEVELOPMENT - A residential development consisting of a multifamily residence or multifamily residences which have dwelling units designed for and occupied by senior citizens, which may be constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or

with the assistance of a state or federal governmental agency, and is constructed and maintained on a for-profit, non-profit or limited profit basis (Amended April 19, 1990).

SETBACK - The minimum distance between a principal building, structure or use and a property line of the lot or, where a buffer is required, between the principal building, structure or use and any part of the buffer. (See sketches B and C found at the end of this local law.)

SETBACK, ESTABLISHED - See "established setback."

SETBACK, FRONT - The distance from the building or use to the front lot line.

SETBACK, REAR - The distance from the building or use to the rear lot line.

SETBACK, SIDE - The distance from the building or use to any lot line other than to the front or rear lot lines.

SHOPPING CENTER - A structure or structures and customary parking and loading areas providing for a variety of retail

commercial establishments managed as a unit and having the following characteristics:

- A. A unified architectural treatment and identifiable theme relating each of the commercial establishments within.
- B. A common interrelated parking and site circulation system with consolidated access to public roads.
- C. Individual establishments oriented to pedestrian traffic by access signs and display, which are not generally visible or only incidentally visible to the parking areas.
- D. Common amenities provided to patrons apart from the commercial establishments, such as benches, site decoration and landscaping, rest rooms and the like.
- E. Common spaces which are available for public assemblage, special events and local notices.

SIGN - Any surface or device containing a sign display, the purpose of which is to bring the subject thereof to the attention of the public through the communication of a visual message.

SIGN, ADVERTISING - Any exterior sign which contains a sign display that attempts to solicit business through the inclusion of information which is not pertinent to the identification of a particular establishment and its location. Such information includes, but is not limited to, hours of operation; detailed description of merchandise offered for sale, lease or rent; sales and marketing policies, including prices; and promotional slogans.

SIGN, ANNOUNCEMENT - Any sign used to announce the use of the lot or direction or location of buildings and structures on the lot for an office, home occupation, religious charitable or other institutional use. An announcement sign may be indirectly illuminated.

SIGN AREA - The area within the shortest line that can be drawn around the outside perimeter of the face of a sign display, including all decoration but excluding supports, if any, unless the same are illuminated as illumination is defined under "sign, illuminated." In computing total "sign area," the area of the faces of all sign displays shall be counted, and any neon tube, string of incandescent lights or

similar device shall be considered as having a minimum dimension of three (3) inches.

SIGN, BUSINESS IDENTIFICATION - A sign containing the name of the establishment and information on the business conducted therewith, but specifically excluding phrases directing an action (i.e., stop, buy, eat).

SIGN, DIRECTORY - A sign or number of signs containing the name and type of a business, constructed of compatible materials and design.

SIGN DISPLAY - A display or legend, including but not limited to letters, words, logos and insignia which are used as or presented as an announcement or identification.

SIGN, FLASHING - Any illuminated signs on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, IDENTIFICATION - A sign used to identify the name of a permitted institution or establishment which is the principal use upon the lot.

SIGN, ILLUMINATED - A sign on which artificial light is directed or which is constructed of translucent materials through which light is directed. A sign on which the illuminating source is visible to the public way or any property line, except for signs constructed from neon-type tube, is not a permitted sign in any district.

SIGN PLAN - A plan depicting the size, location, materials and content of a sign, which plan shall be the sole permitted display for any sign subject to the site development plan rules and regulations.

SIGN, SHOPPING CENTER IDENTIFICATION - For a permitted shopping center, a sign containing the name of the shopping center and the names of tenants, each of which comprises more than one-third (1/3) of the total floor space of the center but no other business, and for which no other business signs are visible on the same frontage.

SIGN, WALL AREA - The area of a building wall (not exceeding twenty (20) feet above ground level in NS Districts and thirty (30) feet in all other districts) measured in the plane of the street frontage, including windows and doors.

STABLE or RIDING ACADEMY - Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

STORY - That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one (1) finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. Each ten (10) feet or fraction thereof of height shall be deemed a "story" in absence of finished floors.

STREET - A street, which is one (1) of the following: an existing town, village, county or state highway or road; a public road shown on a filed subdivision plat; or a street shown on the Official Map of the Village.

STREET CENTER LINE - A line, equidistant from each street line of a street or, if no street line is established, the center line of the existing pavement or, if the street is unpaved, the center line of the existing traveled way.

STREET FRONTAGE - See "frontage."

STREET LINE - The right-of-way line of a street.

STREET LINE, DESIGNATED - The line established by the Official Map as the street right-of-way, whether or not in public ownership.

STRUCTURE - A combination of materials constructed, assembled or erected on, above or below the ground or attached to something having location on, above or below the ground, including but not limited to buildings, fences, tanks, towers and swimming pools.

SUPERMARKET - A large form of the traditional grocery store, generally for self-service, offering a wide variety of food and household products, organized into aisles. It is larger in size and has a wider selection of goods than a traditional grocery store but is smaller and more limited in size than a big-box store.

SWIMMING CLUB - A recreational club with swimming facilities operated for members and their guests, whether or not operated for gain.

SWIMMING POOL, PRIVATE:

A. IN-GROUND POOL - An artificial pool or structure intended for wading, bathing or swimming purposes made of concrete, masonry, metal or other impervious material and which is an accessory use to a residence and for the exclusive use of the occupants of the residence and their guests.

B. ABOVEGROUND POOL - An artificial pool or structure which is so constructed as to be above grade and which has a ladder or steps in order to obtain access to the pool and which is an accessory use to a residence for the exclusive use of the occupants of the residence and their guests.

TOWER - Any ground, roof or building mounted pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, built for the purpose of mounting one or more antenna, meteorological devices, optical devices or similar apparatus above grade. The Planning Board shall determine if the structure shall be

of monopole or open-framework design. (Amended November 20, 1997, Local Law No. 8 of 1997)

TRAILER - A vehicle, including but not limited to a mobile home, which can be used as habitation for one (1) or more persons or for business, commercial or office purposes. The term "trailer" shall include such vehicles mounted on temporary or permanent foundations with the wheels removed.

UNDERWATER - Land is "underwater" where it is so shown on the United States Geological Survey (USGS) Map of the Village or where it is within the channel lines of a classified stream as shown on the Rockland County Drainage Agency Official Map. In addition, soils classified as muck soils by the United States Soil Conservation Service based on field investigations shall be deemed land "underwater."

USE - The specific purpose for which land or a building is used or occupied or maintained.

USE, ACCESSORY - A use customarily incidental and subordinate to the primary use on a lot, whether such "accessory use" is conducted in a principal or accessory building or on the lot.

USE, NONCONFORMING - See "nonconforming use."

VEHICLE - A means of transporting or carrying something.

VETERINARY CLINIC/HOSPITAL - See "animal hospital."

YARD, REQUIRED - Open and unobstructed ground area of the plot, extending inward from a lot line the distance specified in the requirements for the district in which the lot is located. Where a buffer is required, the buffer shall be deemed to commence at the lot line and the yard requirement shall be deemed to commence from the interior line of the buffer. (See Sketches B and C.)

YARD, REQUIRED FRONT - A required yard extending along the full length of the front lot line between the side lot lines.

YARD, REQUIRED REAR - A required yard situated along the rear lot line and extending the full width of the lot to the side lines of the lot.

YARD, REQUIRED SIDE - A required yard extending along a side

lot line from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard (or to the rear lot line if there is no required rear yard).

